

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PORFIRIO HERNANDEZ,

Petitioner,

09 Civ. 6496

-against-

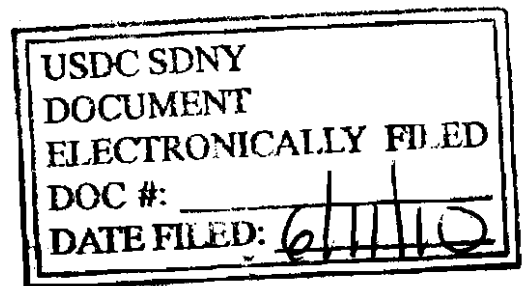
ORDER

UNITED STATES OF AMERICA,

Respondent.

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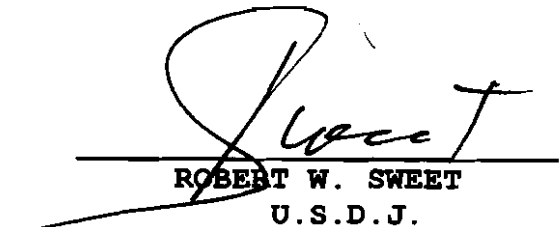
Sweet, D.J.



On May 24, 2010, Petitioner Porfirio Hernandez ("Petitioner") moved for a certificate of appealability to appeal the April 19, 2010 Opinion denying his motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see Lozada v. United States, 107 F.3d 1011 (2d Cir. 1997), abrogated on other grounds by United States v. Perez, 129 F.3d 255, 259-60 (2d Cir. 1997).

It is so ordered.

New York, NY  
June 9, 2010

  
ROBERT W. SWEET  
U.S.D.J.